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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,057	04/14/2004	Michael C. Van Zandt	03-334-A	8007

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EXAMINER

BARKER, MICHAEL P

ART UNIT	PAPER NUMBER
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1626

MAIL DATE	DELIVERY MODE
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10/24/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/824,057	Applicant(s) VAN ZANDT ET AL.	
	Examiner Michael P. Barker	Art Unit 1626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 Sept 07, Response to Restriction.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) 1-22 (in part) is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☒ Claim(s) 1-22 (in part) is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>8/18/2006</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 1-22 are pending in this Application.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 18 July 2006 was correctly filed. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the IDS was considered by the Examiner. Please refer to Applicant's copy of PTO-1449, submitted herewith.

Response to Election

Applicant's election, without traverse, in the reply filed 14 September 2007 is acknowledged:

- Group VII: **R₂** is a non-heteroaryl containing moiety, **A** is pyrazolyl or dihydropyrazolyl, and **Q** is a non-het, and
- Species election: N-({4-[3-(4-chlorophenyl)-5-(4-pentylphenyl)-1H-pyrazol-1-yl]phenyl}sulfonyl)-N-methylphenylalanine.

Group VII is drawn to an independent invention encompassing compounds which fall into the same class and subclass as the elected compound, but may also include additional compounds, which fall in related subclasses.

All compounds falling outside the class(es) and subclass(es) of the selected compound and any other subclass encompassed by the election above will be directed to nonelected subject matter and will be withdrawn from consideration under 35 U.S.C. 121 and 37 C.F.R. 1.142(b). Applicant may reserve the right to file divisional Applications on the remaining subject matter.

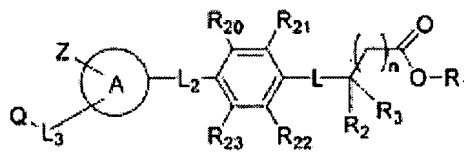
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The provisions of 35 U.S.C. 121 apply with regard to double patenting covering divisional Applications.

Scope of Subject Matter Searched

Applicant's elected species was found to be free of the prior art. Therefore, the scope of

the search was expanded to the following compounds:



wherein:

- L is $-\text{SO}_2\text{NH}-$ or $\text{SO}_2\text{N}(\text{C}_1\text{-C}_4)\text{alkyl}-$;
- L_2 is a bond;
- L_3 is a bond;
- A is as defined, except phenyl or naphthyl;
- Q is as defined, except $\text{C}_1\text{-C}_6$ alkyl, halogen, haloalkoxy, haloalkyl, or alkoxy carbonyl; and
- Z is phenyl

This grouping of compounds is free of the prior art. The group of compounds set out above is based upon the elected species, patentable distinctness, and search burden. Applicant may suggest an alternative grouping or continue prosecution using the subgenus set out above.

Scope of Non-Elected Subject Matter (Scope of Subject Matter NOT Searched)

The remaining subject matter which was not outlined in the scope of the elected subject

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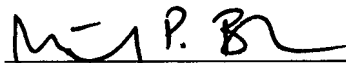
matter listed above is considered nonelected subject matter and is withdrawn from further consideration. This subject matter is patentably distinct from the elected subject matter, such that the nonelected subject matter would not anticipate nor render the elected subject matter obvious. Applicant reserves the right to file divisional applications on the nonelected subject matter.

Objections

Claims 1-22 are objected to for containing nonelected subject matter.

Telephone Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael P. Barker whose telephone number is (571) 272-4341. The examiner can normally be reached on Monday-Friday 8:00 AM- 5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Joseph K. McKane, can be reached at (571) 272-0699. The unofficial fax phone for this group are (571) 273-8300.



Michael P. Barker
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Technology Center 1600



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PRIMARY EXAMINER

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